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CRL OP No. 17816 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-09-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP Nos. 17816 & 25022 of 2025

AND

CRL MP Nos. 12552 & 17579 of 2025

CRL OP No.17816 of 2025

Geetha

Petitioner(s)

Vs

The State Represented by, The Sub-Inspector
of Police,

R-8, Vadapalani Police Station, Chennai-600 Respondent(s)
026. (Crime No. 129 of 2025)

CRL OP No. 25022 of 2025

ARUNACHALAM

Petitioner(s)

Vs

The State rep.by Inspector of Police

Vadapalani Police Station,
Chennai-600 026.

Respondent(s)

(Crime No. 129 of 2025)



Common Prayer: Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail in the event of their arrest in Crime No.129 of 2025, on the file of the respondent police.

For Petitioner(s): Praveen Kumar in Crl.OP No.17816/2025
M/s.AL.Ganthimathi, Senior Advocate
for M/s.S.Meenakshi in Crl.OP.No.25022/2025

For Respondent(s): Mr.S.Udayakumar
Government Advocate (Crl.Side) in
both petitions

COMMON ORDER

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 316(2) & 318(4) of BNS, 2023 in Crime No.129 of 2025, seek anticipatory bail.

2. The allegation against this petitioners herein is that the common area to an extent of 259 sq.ft belongs to the various flat owners have been sold by the builder by entering into a construction agreement with A4 herein. Subsequently, in the year 2020, A4 has sold the same to A5, thereby the complaint has been lodged that the common area has been grabbed by A1 to A5.



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3. The learned Senior Counsel appearing for the petitioner/A4 would submit that in the year 2012, at the time of promoting the flats there was a construction agreement and consequent sale deed was executed and based on the same, she was in possession of the same and subsequently in the year 2020 she had sold the property to A5. Hence, there is no criminality involved in this case. She would further submit that since it was objected by the other flat owners and stop work notice was also issued and there is no further development in the purchased area.

4. The learned counsel appearing for A5 would submit that since the title deeds of A4 found to be clear and he has come forward to purchase the same and he would further submit that there is no criminality involved in this case.

5. The learned counsel appearing for the Intervenor would submit that he is one of the flat owners and by violating the rights of all flat owners, common area has been sold in favour of other persons by the promoter and he would further submit that it is a case of land grabbing hence granting anticipatory bail



would encourage them to continue the construction and it will create substantive loss to the interest of all the flat owners.

6. The learned Government Advocate (Crl. Side) appearing for respondent would report that the case was registered based on the direction given by the concerned Judicial Magistrate under Section 156 (iii) of Cr.P.C and after registering FIR, the case is under investigation.

7. Admittedly the disputed area which is termed as a common area for the flat owners has been agreed to be developed and sold in favour of A4 in the year 2012 itself and subsequently in the year 2020, A4 has come forward to sell the same in favour of A5 and accordingly the documents were also executed. Now in the year 2025, the flat owners have raised grievance that this common area has been sold in favour of three parties by violating the various building norms.

8. Considering the above facts that it is a case of violation of building rules and the entire transactions took place between 2012 to 2020, this Court is



of the view is that the custodial interrogation of the petitioners are not necessary. Therefore, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned XVII Metropolitan Magistrate, Saidapet, Chennai***, on condition that the petitioners shall execute a separate bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** each, with two common sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation;



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(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S. Accordingly, the connected Miscellaneous petitions are closed.

19-09-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The State Represented by, The Sub-Inspector of Police,
R-8, Vadapalani Police Station,
Chennai-600 026. (Crime No. 129 of 2025)
2. *XVII Metropolitan Magistrate,
Saidapet, Chennai.*
3. *The Public Prosecutor,
High Court of Madras.*



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CRL OP No. 17816 of 2025



K.RAJASEKAR J.
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**CRL OP No. 17816 of
2025
AND CRL MP NO.
12552 OF 2025,CRL MP
NO. 17579 OF 2025,CRL
OP NO. 25022 OF 2025**

19-09-2025